

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

RICHARD SERNA, *et al*,

Plaintiffs,

VS.

FEDERAL DEPOSIT INSURANCE
CORPORATION, *et al*,

Defendants.

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CIVIL ACTION NO. 2:13-CV-00357

ORDER REMANDING CASE

On November 8, 2013, Defendant Federal Deposit Insurance Corporation (FDIC) removed this case from the 94th Judicial District Court of Nueces County, Texas pursuant to 12 U.S.C. § 1819(b)(2)(B) because it involved a claim against the FDIC as Receiver for the First National Bank Edinburg, Texas. D.E. 1. By Stipulation filed July 7, 2015, Plaintiffs dismissed with prejudice all claims against the FDIC. D.E. 25. On August 13, 2015, Plaintiffs filed their First Amended Motion to Remand (D.E. 32), reciting that, upon dismissal of the FDIC, this Court no longer has subject matter jurisdiction.

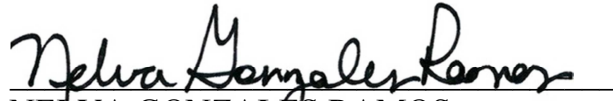
Pursuant to Local Rule 7 of this Court, motions are submitted for decision 21 days after they are filed and a failure to respond before that time is taken as an indication of no opposition to the relief sought. The submission date for Plaintiffs' motion to remand was September 3, 2015 and no response has been filed. Upon review of the record on file, the Court notes that Plaintiffs and the individual Defendants are alleged to be residents of Nueces County, Texas and Defendant Voss Engineering, Inc. is alleged to be a Texas

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domestic for profit corporation. D.E. 1-1, pp. 49-50. Furthermore, the complaint states claims for fraud under Texas state law. *Id.*, pp. 49-55. Thus there is no basis for federal question or diversity jurisdiction under 28 U.S.C. §§ 1331, 1332.

The Court finds that there is no federal jurisdiction over the remaining claims in this case. The Court GRANTS the motion (D.E. 32) and REMANDS this action to the 94th Judicial District Court of Nueces County, Texas, the court from which it was removed.

ORDERED this 16th day of September, 2015.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE